

outdoors for the purpose of dismantling or otherwise wrecking the vehicles to remove parts for sale or for use in an automotive repair or rebuilding business.

- (2) "Change of ownership" means the sale or transfer of a majority of either the outstanding voting shares or of all outstanding shares of capital stock if the business is a corporation; the sale or transfer of a majority interest in any partnership if the business is a partnership; or, the sale or transfer of the real property or a bulk sale of the inventory if the business is a sole proprietorship.
- (3) "Junk" means copper, brass, iron, steel, rope, rags, batteries, tires, including farm equipment, or other material (other than a wrecked vehicle) that has been discarded or sold at a nominal price by a previous owner of the material.
- (4) "Junkyard" means a business that owns and is operated to store, buy, or sell junk, all or part of which is kept outdoors, until disposed of.
- (5) "Recycling business" means a business that is primarily engaged in the business of:
 - (a) converting ferrous or nonferrous metals, glass or other materials into raw material products having prepared grades and having an existing or potential economic value;
 - (b) using raw material products of that kind in the production of new products; or
 - (c) obtaining or storing ferrous or nonferrous metals, glass or other materials for a purpose described by 4(a) or 4(b) hereof.
- (6) "Wrecked vehicle" means a discarded, abandoned, junked, wrecked or worn out automotive vehicle, including an automobile, truck, tractor-trailer or bus that is not in a condition to be lawfully operated on a public road.
- (7) "Road" means all County roads, rights-of-way, public thoroughfares, or public access roads not subject to Tex.Rev.-Civ.Stat.Ann., art. 4477-9a, Sec. 408 (1992).
- (8) "Covered business" means the working and storage area of a junkyard or automotive wrecking and salvage yard, which begins operation after June 1, 1987.

110000 00000 0165 837

ARTICLE IISECTION THREECOUNTY LICENSE REQUIREMENTS

A. A license, issued by a County official or agency, as designated by the Commissioners' Court, is required for:

- (1) junkyards or automotive wrecking and salvage yards beginning operation after the effective date of this ordinance, including the change of ownership of an existing junkyard or automotive wrecking and salvage yard; and,
- (2) junkyards or automotive wrecking and salvage yards which began operation prior to the effective date of this ordinance, but after June 1, 1987.

(3) any expansion or enlargement of an existing junkyard, or automotive wrecking and salvage yard which occurs after the effective date of this ordinance.

A license shall be in effect for one (1) year.

B. An application for a license shall be considered, as to site/location, by the Commissioners' Court. For covered businesses beginning operation or expanding or enlarging after adoption of this ordinance, a license may be approved and issued only after the location requirements are satisfied. The location requirements for license issuance are:

- (1) the location of the proposed covered business shall not be detrimental to the public health, safety or welfare;
- (2) the location of the proposed covered business shall not create a hazard to the environment;
- (3) the location of the proposed covered business shall not be incompatible with surrounding development;
- (4) the proposed covered business shall be at least three hundred feet (300') from the property line of a lot on which there is a church, a school, a park, a hospital, a nursing home, or a residence (single family home, duplex, apartment, townhouse or mobile home), or the property line of a residential subdivision;

111111 111111 111111 111111

- (5) the location of the proposed covered business shall not be within one thousand feet (1,000') of any downstream lake, river, creek, tributary or pond;
- (6) the location of the proposed covered business shall not be within the one hundred (100) year flood plain.
- C. A provisional license may be issued to covered businesses in operation prior to the adoption of the ordinance. To receive a provisional license, the covered business shall not be located within fifty feet (50') of the right-of-way of a state highway, public street, or residence. Notwithstanding the foregoing, a covered business in operation on September 1, 1991 shall receive a provisional license but shall comply with the above fifty foot (50') right-of-way requirement on the earlier of:
- (1) the date on which ownership changes; ★
 - (2) the date on which the lease of the property on which the junkyard or salvage yard is located terminates; or
 - (3) September 1, 1994.

ARTICLE III

SEVERABILITY

If any section, subsection, word, sentence or phrase of this ordinance is declared to be invalid, it shall not affect the validity of any other section, subsection, word, sentence or phrase of this ordinance.

Ron Harris
RON HARRIS, County Judge

Phyllis Cole
PHYLLIS COLE, Precinct 1

Jerry Hoagland
JERRY HOAGLAND, Precinct 2

John Witherspoon
JOHN WITHERSPOON, Precinct 3

Jack Hatchell
JACK HATCHELL, Precinct 4

ATTEST:

Helen Starnes/meg
HELEN STARNES
Ex-Officio Clerk
Commissioners' Court
Collin County, Texas

